UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

	) **MDL No. 1456**
IN RE PHARMACEUTICAL INDUSTRY	) **Master File No. 01-12257-PBS**
AVERAGE WHOLESALE PRICE LITIGATION	)
	) **Judge Patti B. Saris**
	)
THIS DOCUMENT RELATES TO:	)
State of California, *ex rel.* Ven-A-Care v.	)
Abbott Laboratories, Inc., *et al.*	)
CASE #: 1:03-cv-11226-PBS	)
	)

STATE OF CALIFORNIA'S AND *QUI TAM* PLAINTIFF'S
STATUS REPORT-DECEMBER 1, 2005

The undersigned counsel, on behalf of plaintiff STATE OF CALIFORNIA

("CALIFORNIA") and *qui tam* plaintiff VEN-A-CARE OF THE FLORIDA KEYS, INC.

("VEN-A-CARE" or "*qui tam* plaintiff"), hereby submit the attached Status Report to the Court

in accordance with the Court's June 17, 2004 Procedural Order.

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Respectfully submitted,

BILL LOCKYER
Attorney General for the State of California

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Dated: December 1, 2005   By: /s/ Brian V. Frankel
                                            BRIAN V. FRANKEL
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         Bureau of Medi-Cal Fraud and Elder Abuse
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Attorneys for Plaintiff,
STATE OF CALIFORNIA

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THE BREEN LAW FIRM, P.A.

Dated: December 1, 2005   By: _____/s/ James J. Breen_____
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                                                 Attorneys for *Qui Tam* Plaintiff,
                                                 VEN-A-CARE OF THE FLORIDA KEYS, INC.

MDL 1456 Status Report
State of California, *ex rel.* Ven-A-Care v. Abbott Laboratories, Inc., *et al.*
Case No.: 1:03-cv-11226-PBS

First Amended Complaint in Intervention

Plaintiffs filed a First Amended Complaint in Intervention on August 25, 2005.

Motion to File Unredacted Exhibits Under Seal

On August 25, 2005, plaintiffs filed a motion for leave to file unredacted Exhibits under

seal. The Exhibits are Exhibits A-K and Exhibits M-R to the First Amended Complaint in

Intervention. Redacted versions of such Exhibits were filed (and served on existing parties

through Verilaw) on August 25, 2005, along with the First Amended Complaint in Intervention.

The Court granted such motion, and the unredacted Exhibits have been filed under seal.

State of California's Election to Decline

On September 9, 2005, the State of California filed a motion for leave to file "State of

California's Election to Decline as to Certain Defendants and Allegations" ("Election to

Decline") under seal. The Court granted such motion on September 14, 2005. The Election to

Decline was filed under seal on September 14, 2005.

***Qui Tam* Plaintiff's Notice of Election/Dismissal**

On or about September 12, 2005, the *qui tam* plaintiff filed a motion for leave to file its

"Notice of Election to Proceed and Notice of Dismissal" ("Notice of Election/Dismissal") under

seal. The Court granted such motion, and the Notice of Election/Dismissal was filed under seal

on September 14, 2005.

Anticipated Filings

The Attorney General of California will be filing additional motions/pleadings, under seal

when necessary, to dispose of the state's interests in matters remaining under seal. In addition,

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plaintiffs will request a Status Conference and the entry of a Case Management Order by a motion

to be filed after the defendants named in the First Amended Complaint in Intervention have been

served and can participate.

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CERTIFICATE OF SERVICE

I, Brian V. Frankel, hereby certify that on December 1, 2005, I caused a true and correct

copy of the foregoing, **STATE OF CALIFORNIA'S AND *QUI TAM* PLAINTIFF'S STATUS**

REPORT-DECEMBER 1, 2005, to be served on all counsel of record via electronic service

pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File

& Serve for posting and notification to all parties.

Dated: December 1, 2005

       /s/ Brian V. Frankel
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